



Meeting Minutes
Restoration Advisory Board
Roosevelt Roads Naval Station
Club Cívico La Seyba, Ceiba, Puerto Rico
Meeting No. 11
January 13, 2009

Note: This meeting summary is based on informal notes taken at the meeting. It is not intended as a verbatim transcript, and portions of some discussions may not have been captured. If comments or additional notes are provided within 30 days of distribution of these minutes, they will be added as an attachment to this summary.

I. Order of the Day and Welcome Comments

The meeting began at 6:20 p.m. Susana Struve (CH2M HILL) welcomed RAB members and members of the public attending. Each agency representative stated his/her name. Susana invited members of the public in attendance to sign the sign-in sheet to receive information via mail or e-mail.

She also mentioned that the RAB participated in a site visit that morning and read the meeting agenda.

II. Site Visit – Mark Kimes

Mark summarized the information given to RAB members during the site visit to two of the sites under investigation/cleanup within the base. He indicated that the two sites are at two different stages in the investigation process, one at the beginning, the other one at the end. The goal of the site visit was to help RAB members learn more about the sample collection and data analysis processes.

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- The first site visited was Solid Waste Management Unit (SWMU) 60, a former landfill used by the Navy. This site is currently under an early investigation stage, which was initiated after the site was identified using historic aerial photographs included in the Environmental Condition of Property (ECP) Report, 2004. The ECP showed the need for further sampling; the work plan was approved by EPA and EQB. Mark explained that the objective of this investigation is to collect a series of soil and groundwater samples to identify the presence or absence of volatile and semivolatile compounds, pesticides, and metals.

During the visit, the participants observed the process to collect soil samples and install a monitoring well used to collect groundwater samples. Mark explained the graphic “Life of a Sample” (attached) which explains step by step the data collection and data analysis processes which may take several years to complete. After the data report and work plan are developed, they go to the regulatory agencies (EPA and EQB) for their review and approval. The end result, after all the steps are followed, could be a recommendation for additional investigation, implementation of a removal action, or no further action for a specific site.

- The second site visited was SWMU 13. It is the former building for pesticides storage (Building 258). We know what kind of contaminants existed in this site. This site is in its final remedial stage, which resulted in the removal of the contaminated soil. Cleanup/remediation of this site also starts with the analysis of information, a corrective measures study, and implementation of the final remedy for the site; in this case the removal of the soil. The soil removal process includes a round of confirmatory sampling to make sure all the contamination has been removed. When confirmatory sampling indicates that the cleanup has been effective, a Site Closure Document is issued. This document includes the location of the soil and where it was transported for disposal. For this site, the soil was taken off the Island and sent to Elyria, Ohio, where it was incinerated. The site will be backfilled and restored to its pre-investigation condition.

Discussion:

- Rafael Montes (RAB member) said that he observed that the channel at Los Machos during low tide was not flowing due to sediment accumulation. He said he doesn’t think this remediation is working because the flow should go toward the ocean.
- David Criswell (Navy) explained that we will continue observing the mangroves. We have biologists inspecting the site regularly making sure the mangroves are recuperating. The contractor in charge of building the channel followed the laws and regulations established for construction activities, removal, transport, and management of the extracted soils.
- Rafael said that if the channel doesn’t have an exit, he thinks the contamination will stay there.

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Jorge Porto (RAB member) explained that the enlargement of the channel in front of Piñeros is mitigating the effects of the spills that occurred there, but this is another problem. The opening of the channel is too narrow and that's the reason sand gets deposited there. Another agency should follow up on this issue, maybe the Department of Natural Resources of Puerto Rico.

- Jorge asked about the schedule for sampling of sediments under water in SWMU 60. Mark Kimes indicated that study would be started shortly, we have three areas identified, one of them with access by boat.
- Agustín Velázquez (RAB member) said that he wasn't convinced that the Navy was getting rid of the "contaminated" water with the remedial process because the water was reaching the area near the Marina. The Navy's explanation doesn't convince us, he added. It is probable that you are contaminating the Bay; your method is not correct. Also, I want to know what happened with the airport area.

Mark explained that in 2006, when the decontamination of the SWMU 60 ditch started, all of the contamination was taken out of that area and was then sampled to confirm that the ditch was clean. These samples came out clean, which confirmed the decontamination of the ditch. For this reason, we know the water that was removed is not contaminated. If it were contaminated, we would follow the proper legal regulations and the water would have been stored in containers. Mark explained that the area had been sampled a year before and the samples came out clean with no trace of pesticides.

- Ismael Velázquez (RAB member). You are telling us that you collected samples of contaminated soil and they came out clean, but I insist, the water must be contaminated at some level, maybe not all of it.

Mark explained that they sampled beneath the platform. We took soil samples to several depths to see if pesticides had migrated downstream. The samples indicated that there were no pesticides present. The excavation done was more than 5 feet deep, as a precautionary measure, to ensure there is no contamination in that area.

- Ramón Figueroa (RAB Community Coordinator) said that 8 years ago there was an accident where airplane fuel was spilled in the mangrove area, and the area should have been considered for investigation and sampling. David said that if the mangrove area has to be taken into consideration in relation to the spill, we will have to file a report about the damage to the mangroves. We will discuss it with the DNER and EQB and we will give you more information in the next meeting.

Félix López (U.S. Fish & Wildlife Service) explained that there were two big spills that took place in the past in the "Ensenada Honda" area. For the last one, Geo Marine conducted a sampling effort. Part of the reason for the construction of the bridge and the drainage of the channel in "Los Machos" area was to respond to the final remediation agreement.

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III. Sites in the Airport (“Airfield Land Use Controls”) – David Criswell

David explained that in the last meeting it was mentioned that the land use controls implemented for the airfield were violated by the Port Authority of Puerto Rico. When the area was transferred in February 2008, the Navy implemented land use controls prohibiting any construction in specific areas which are identified in the Property Title Map. These controls and the boundaries for the site were also discussed in various meetings with the Port Authority during September and October 2008, so they know their limitations. Nevertheless, the Port Authority performed several construction activities and excavated contaminated soil within the restricted area. The soil contaminants present a hazard to ecological receptors, not for humans.

Since October the Navy and EQB have been inspecting the site, making sure the soil has not been removed from the area. Wilmarie Rivera, from EQB, has several copies of the inspections report. The Port Authority accepted the responsibility in this matter. The Navy is trying to have a meeting with the new Port Authority Director to discuss the issue with the Port Authority, because all of the Navy’s work to collect, analyze, and report development has to be redone. Because the contaminated area was disturbed, not only does the Navy have to investigate the area again, there may be more area to clean.

Addressing questions from the RAB about why the RAB did not visit this site, David explained that the area no longer belongs to the Navy, even though the contractors have access to do investigations and inspections. The Navy is not allowed to take RAB members to the site. In any case, we will continue informing you about this issue.

Discussion:

- Daly Ávila (Community Member) suggested that the inspection should be expanded outside the airport area, because the removed soil was carried into the community. She knows of this because community members who were contracted to transport this soil talked to her. She stated that the Navy and the agencies should be more energetic with the inspections. She added that the debris carried in trucks was covered with dirt and deposited in the Fajardo landfill.

This is the first site that was transferred. Imagine what will happen with the following areas to be transferred; there will be a series of environmental violations. I called EQB in San Juan to inform them about the soil transport issue, but I couldn’t get far with them.

David said that he understands her concern, and added that the Navy will work with the EQB to consider this suggestion and make sure the existing regulations are followed, especially if there is information that contaminants had reached the community. The Navy doesn’t have jurisdiction to control building demolition after the transfer is completed, but the environmental regulations which address these types of activities must be followed. If the soil removed was taken to the community, the Navy wants to

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know. If construction debris leaves the site, this activity should also follow the established regulations.

David explained that when we found out about the problem on the site, the Navy had a meeting with the Port Authority and its contractors, PBS&J. Let us know of anyone who could give us more information so that we can get their testimony (photos, information, etc.) on file in case of legal follow up.

- Félix asked what the contaminants of concern for this site are. Mark answered that they are metals in the soil.
- Daly said that there are community members working for these contractors and they have told me that they know some of the requirements are not met. Again, when she tried to file this issue with EQB, she was not given the followup she was expecting (not even information on the right number to call to file a formal complaint).
- Wilmarie explained that the issue needs to be filed with EQB's offices in the Humacao area, or through the Central Office. In any case Wilmarie added, I'll be happy to talk to you and help you with the file submission process. She also indicated that she has the inspection report at the meeting, if anyone would want to review it. At the end of the presentation, you have my contact information. Note that my direct extension number is 6141, she added.

David again indicated that the Navy encourages anyone who has information on issues related to the removal of soil from the Airfield area to contact him so we can take your testimonies.

- John Henry (Community Member) asked if any representative from Portal del Futuro was present and if they will be giving a presentation at this meeting. I also want to know why the RAB members were not invited to see the activities done by the Port Authority at the airport. I also want to know if there is any new information for SWMU 56.

Mark explained that the difference between SWMU 69 and SWMU 56 is that at SWMU 69 the investigation process will be completed before the contaminated soil removal. At SWMU 56 there is no need to remove any soil, since it was found free of contamination; however, there is additional investigation to be completed in the ditch at SWMU 56, which was not disturbed.

Discussion:

- John Henry said that the regulatory agencies should be more assertive and not let the Navy do what they want with those lands. They should be more aware of what they are doing.
- A RAB Member suggested that EQB assign more resources for investigating and follow up of all of the parcels to be transferred.

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- A RAB member said he didn't agree that EQB can only access the areas when the Navy was present; they should be able to enter whenever they want to supervise what is being done.
- A member of the public asked why they couldn't put a barrier like a "black fence" surrounding the contaminated areas so that people could not enter. Mark indicated that when the vegetation grows it will serve as a natural barrier.
- David indicated the Navy has given the Port Authority all of the information, including the coordinates of the contaminated and non-contaminated areas, to encourage them to take the necessary precautions and protection measures.
- Félix indicated that the only thing that works for protection is the installation of visible signs that read "DO NOT ENTER."
- A RAB member asked since the Navy had already transferred the parcels to the Port Authority, what other government agencies can access the site to investigate. Wilmarie indicated that that program was regulated under RCRA, not directly by EQB regulation. However, EQB will enforce any regulation or law under the faculty of our agency that applies to the site.
- A RAB member suggested inviting a Port Authority representative for the next meeting. David said the Navy will send an invitation.

IV. Drones and Isla Cabras – David Criswell

David explained that the Navy investigated in January 2009 and compiled the historical information for the site and collected soil, groundwater, and waste samples.

Discussion:

- A RAB member asked what happens with the drones after they are used. David answered that sometimes they were destroyed when they were fired and other times they were recovered and reused. A RAB member asked of which type of metal the drones were made. David answered aluminum (Note: the drones are recovered and reused but the items of concern are the canisters (i.e., chambers) that fell into the water near Cabras Island right after the drone was launched. These canisters are made of cast iron).
- A RAB member said that some fishermen will be conducting a study of the area where the drones were used. They anticipate their report will confirm the Navy's findings. If not, they will expect the Navy to explain the differences.
- A RAB member asked why the "Torpedo Shop" was identified as an area of concern and now it isn't. Mark answered that the Navy took samples in the area that were free of

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contaminants. The report is on the Internet webpage in case someone wants to review more information for this site.

V. Archeological Sites – David Criswell

David discussed the status of the archaeological findings in some of the parcels. The Navy is making every effort to recover all the archaeological artifacts. The artifacts are currently being housed in an archaeological curation facility that meets the standards outlined in regulations. The Navy has completed a report which identifies the artifacts. In Puerto Rico, there is no archaeological repository that complies with the federal regulations to accept this collection. A copy of the Archeological Report will be provided to the RAB. The Navy has a Memorandum of Agreement (MOA) with the Puerto Rico State Historic Preservation Officer (SHPO) and Concurrence: Portal del Futuro and Puerto Rico Department of Natural and Environmental Resources that requires recovery and protection of the artifacts and allows for historic research.

Discussion:

- A member of the public asked how many archaeological pieces have been found and what they have to do to bring these artifacts back to a Puerto Rican facility.
- A RAB member asked if the Navy has maps showing the site and the location of artifacts, there should be restrictions for the new property owners so that they will not be able to construct over those sites. David answered yes, but before the actual location of the artifacts is shared with the public, the Navy needs to complete the investigation. The report has all the information but the exact location maps.
- A RAB member commented that those were delicate artifacts that needed to be kept on the Island; there are pieces with more than 500 to 600 years of history. They should be conserved in Puerto Rico for our future generations; it is our history.
- A member of the public commented that Puerto Rico has professional archaeologists and geologists who could get involved. His major concern is that our heritage is being taken off the Island, and should be conserved. David said that the Navy will invite the archaeologists to the next meeting so that they can better answer your questions.
- Agustín asked what is the status of “Punta Puerca,” of the “Casa de La Reina,” and of the “Túneles de Piñeros.” We always ask what will happen with the “Piedra del Indio,” which is in now in a plot for sale. That part of history needs to remain in Ceiba for us and future generations to enjoy. The history of Puerto Rico has to be known and not be erased.

David explained there are two issues involving two different sites: one related to the archaeological artifacts and the other one to the natural resources in the area. The first as we previously discussed is following the regulations in consultation with SHPO (will

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invite them to attend the next meeting). The second issue is the Navy's ability to sell parcels that could have natural resources. This is related to the way the Navy acquires the lands, in this case by condemnation, and how the parcels will be sold and transferred to the new owner. When the parcels are transferred to the new owner, the parcel development is regulated by a different type of process and developers have other rules to follow.

- Rafael Montes (RAB member) asked if they had the date of other studies done before 1930 to 1940, because he knows there are pieces that were taken out before. David said he didn't have the answer to that question and that he could find the answer for the next meeting because there was a great amount of information in terms of work that the Navy did in anticipation of activity planned for the site. All of the information was reviewed by SHPO.
- Félix Lopez: "Let me talk a little about Spanish-American History." He said that when Spain lost, the Americans took all of the lands. After that, all the lands were transferred to Puerto Rico, except for Culebra. The coastal area of Culebra was transferred to Puerto Rico in 1980. The other coastal areas, including Vieques, never belonged to the Navy. When the Navy bought the land they didn't buy the coastal zone rights, unless the government of Puerto Rico renounced those rights on that zone.

David mentioned that he didn't know all the information in detail, but he remembered the Navy's attorney told him there are certain rights the Navy maintains. He will try to find more details for the next meeting.

- A member of the community said that the Historic Preservation Office is in the Cultural Institute building on the second floor. If archaeological sites are identified, they will investigate them and the sale or construction could be stopped until the sites become a Historical Zone.
- Jorge Porto said that now that we are hearing the possibility that the Navy include all of these sites in the sale, I'm more concerned than before; even though David said that the buyer has to follow the regulations. The important thing here is to clearly identify the areas before selling them. The coastal marine zone cannot be sold. The problem will not only affect the natural resources, but the owner's right to construct docks. The potential for problems is endless. Jorge suggested the Navy bring an attorney who knows about the case so he/she can clarify the concerns about the parcel transference avoiding big problems in the future.
- Lirio added that the RAB had asked the Department of Natural Resources to define the coastal marine zone before starting the sale auction. We don't even have one of their representatives here. Second, we have requested several times a copy of the zonification plan from Portal de Futuro; it hasn't gone through a public hearing following the "uniform administrative procedure." After public comment, then the Navy can start the auction. We know that Portal del Futuro has not requested any amendments to the 2005

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zonification plan done by the Navy. If the auction continues this way, there will be serious legal problems.

- Ramón Figueroa said that he is a lawyer. Since 1998 when the Navy started the selling process lots of things have occurred in Puerto Rico; obviously in any situation no one can sell what is not theirs. It is within the public policy of Puerto Rico that the beaches, terrestrial marine zones, mangroves, cannot be sold. Last year LRA (Portal del Futuro) submitted a draft zonification plan for the Mayor's review. We are waiting for their review, before the Planning Board coordinates a public hearing.
- Lirio said that there if there is a plan from LRA, no one has seen it. Lirio asked if Portal de Futuro will be coming to the next meeting to clarify concerns and to share their plan before the Navy does the auction of the parcels ready to be transferred. Unfortunately, there is the possibility that the coastal marine areas can be sold.
- William Lourido (RAB Member) said that we are still asking the same things and have the same concerns. We should invade Roosevelt Roads the same way they did on Vieques and look for a massive public support to stop the Navy's sale of the parcels and to require the transfer of Roosevelt Roads to the community of Ceiba. Bringing lawyers, or other people from El Portal, is not going to solve anything. We have to raise the public support, because the Navy is trying to sell our lands and if we don't stop them, they will do it.
- David commented that the Navy is always trying to answer the questions and understands that everyone has the right to comment and to protest. Thank you for your comments, and remember that the Navy already transferred 3,000 acres of conservation areas to the Puerto Rico Department of Natural Resources and the Conservation Trust. These areas include the majority of the beaches. There is only a very small area remaining on the coastal zone (the dry forest), which has beaches and dense mangrove vegetation.
- John Henry said that if LRA doesn't come to the meetings and they are the ones that have the money, why do we have a RAB? El Portal doesn't answer questions, doesn't participate in meetings; we are wasting our time with them. Susana explained that the purpose of this RAB was to address and get input on the cleanup.

VI. Transfer Update –David Criswell

David indicated that with the end of the year holidays and the government elections some things are going to change with the new administration. The Navy will have a meeting with the new Director of Portal del Futuro, Jaime Gonzalez. And, we will be verifying the schedule for the sale of the parcels to the public.

He added that the parcel transfer to the Army Reserve is behind schedule because of utility problems. The issue with the Army Reserve parcels is that they want the Navy to keep the

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utilities working, the Navy doesn't agree with this, because those services are going to be transferred to the LRA. After the transfer is completed, the LRA will be responsible for maintaining the utilities functioning. The parcel transfer to the Ports is also delayed due to the violation of the land use controls in the airfield. The Navy has not received any request from LRA to change the reuse plan. Please be patient, we expect more information at the next meeting.

Currently, the Navy has contractors working the field for the next two weeks collecting data. Right Way Environmental is on the site working on the removals for SMWUs 9, 13, 46, and 53. CH2M HILL is working with the remediation planning for SWMUs 7, 8, 55, and 56. We will provide more information about this work in the next meeting.

Discussion:

- Jorge Porto asked David to explain the sale schedule. David indicated that in February the information about the sale is going to be on the Internet. We expect the auction to start in March and it will be closed approximately 30 days after the opening. The property will be transferred during the summer.
- Félix López indicated that there is a Biological Assessment (BA) for the area. The Navy has to ensure that the BA is considered for the sale and for parcel transfer. The BA has specific information for each parcel/species of concern. When the property gets sold, you have to know that there are not only environmental sites, but also conservation areas that could put limitations on what can or cannot be done with that property. In the next meeting, a USFWS representative will give more details about the BA.

David indicated that it would be interesting to share with the RAB how this BA was done and also other documents that were used to establish the transfer. This information is found in the Property Title. We will try to have presentations on these two topics for the next meeting.

- Lirio said that based on the maps, Parcel III is included in the firing range and asked if the firing range was going to be sold. David answered yes, that it is part of Parcel III. The firing range is currently active. To be able to sell it, it has to be closed following the regulations for hazardous substances. The firing arcs need to be identified, making this a large and very expensive project. To sell these areas, the contaminated sites will be carved out. If the environmental conditions are adequate, the buyers will lease the site, and then when the sites are deemed clean the lessee could obtain the property's title.
- Lirio asked if the Navy will notify the public when the firing range is being used because it is dangerous to pass nearby. We knew it was being used because when we passed by on a kayak we heard the firing. David said that he agrees and that the Navy will take action in the matter.

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VII. Closure

The next meeting will be held on Wednesday, March 18, 2009. The meeting ended at 8:55 p.m.

VIII. New and Ongoing Action Items for the Next RAB Meeting

The following summarizes the new and ongoing action items that will be carried forward to the next RAB meeting to be held on March 18, 2009.

Item	Description	Discussion	Status
#1	Port Authority conducted work resulting in a mound of soil at or near SWMU 69 immediately before heavy rains occurring in Puerto Rico.	Navy to follow up with the Port Authority to determine nature of activities at or near SWMU 69.	Ongoing
#2	Community concern about the potential sale of property containing historic and natural resources.	Navy to provide information regarding studies conducted at the site before 1930 to 1940.	New
#3	Community concern about the taking of historic and valuable archaeological artifacts being removed from the Island.	Navy to invite archaeologists participating in the excavation and study to the next RAB meeting.	New
#4	Information about the report on the excavation of historic artifacts on the base.	Navy to provide a copy of the report produced by the archeologists to the RAB.	Report attached to these minutes
#5	Information regarding the remediation planning and data collection at SWMUs 9, 13, 46, 53, 7, 8, 55, and 56.	Navy and contractors to provide more information about this work to the RAB.	New
#6	Information about the Biological Assessment (BA) and other documents used to establish transfer of sites.	USFWS to provide more information about the BA to the RAB.	New

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ATTACHMENT 1 - Meeting Attendees - January 13, 2009

RAB Community Members in Attendance	RAB Community Members Absent
Ramón D. Figueroa, Community Co-Chair	Carlos Brown
Ismael Velázquez	Jimmy Concepción Robles
Luís A. Velázquez Rivera	Ángel de Jesús Matta
Jorge Fernández Porto	José Díaz
Lirio Márquez D'Acunti	Myrna Maldonado
Samuel Caraballo	Ramón M. Ríos
Rafael Montes	Daniel E. González
William Lourido	Noraida Vázquez Arce
Agustín Velázquez Santos	Rogelio Figueroa
Michael Dalton	Debra McWhirter
Community Members Visiting	
Marilyn del Manzano	Glorimar Toledo
Manuel Piñero	José A. Rosa Lebron
Daly Ávila	Hiram Rivera
Rafael Donato	José A. Candelario
Pedro Ortíz	José M. de Jesús
Antonio Ávila	John Henry
Danny Velázquez	
RAB Agency Representatives in Attendance	
David Criswell, Interim Navy Co-Chair	Navy, Deputy Base Closure Manager, Southeast
Antonio Colorado (ausente)	Portal del Futuro (Local Reuse Authority [LRA])
Tim Gordon (ausente)	Agencia de Protección Ambiental, Región 2
Luis Negrón (representante)	
Wilmarie Rivera	Junta de Calidad Ambiental de Puerto Rico (JCA)
Gloria M. Toro Agrait	
Neida Pumarejo Cintrón (ausente)	Fideicomiso de Conservación
Santiago Oliver (representante)	
Vicente Quevedo (ausente)	Puerto Rico DNER

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RAB Agency Representatives in Attendance (Continued)	
Elizabeth Padilla	Fideicomiso de Conservación
Félix H. López	U.S. Fish and Wildlife Service
Other Agency Representatives	
Freddy de Jesús (ausente)	Portal del Futuro (LRA)
José A. Candelaria (ausente)	Portal del Futuro (LRA)
CDR Daniel Kalal	Actividad Naval Puerto Rico
Support Staff Present	
Susana Struve	CH2M HILL, Inc. (facilitadora de la reunión, contratista de la Marina)
Pedro Ruiz	Actividad Naval Puerto Rico
Mark Kimes	Baker Environmental, Inc. (Contratista de la Marina para su Programa de Restauración de la Instalación)

Note: This summary is presented in English and Spanish for the convenience of the reader. Every effort has been made for the translations to be as accurate as reasonably possible. However, readers should be aware that the English version of the text is the official version.

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